INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
IAB CASE # IV 2343020

SUBJECT: Lovell C. Brown, Deputy, # [redacted]

LOCATION: Hollywood Boulevard/La Brea Avenue
Los Angeles, California 90046

DATE/TIME: October 15, 2013, 0230 hours, Tuesday

DEPARTMENT KNOWLEDGE DATE: October 15, 2013

PRIMARY INVESTIGATOR: Sergeant David Wessol

INVESTIGATIVE SUMMARY

Deputy Brown was scheduled to work Men's Central Jail on October 14, 2013, PM shift (see Exhibit A, Men's Central Jail In-Service, 10/14/13, page 3). On October 14, 2013 at 1130 hours, Deputy Brown called in sick for his scheduled shift to Watch Sergeant [redacted]. Sergeant [redacted] advised Lovell Brown the call in for October 14, 2013 was in conjunction with his regular days off and it was his fourteenth sick call-in in the past twelve months. Lovell Brown acknowledged Sergeant [redacted] advisement and said he was sick (see Exhibit B, Absence Request, Telephonic Notice and Office Correspondence from Sergeant [redacted] to Lieutenant Stan Penner).

On October 15, 2013 at 0230 hours, Deputy Brown was stopped by Los Angeles Police Officers [redacted] for excessive motor vehicle speed. Upon contacting Lovell Brown, the driver of the vehicle, Officer [redacted] noticed the odor of an alcoholic beverage emitting from the vehicle. A driving under the influence investigation was initiated which resulted in Lovell Brown's arrest for 23152 (A) of the California Vehicle Code (see Exhibit C, Los Angeles Police Department Arrest Report).

The Los Angeles Police Department arrest report indicated Deputy Brown was uncooperative and refused to participate in standardized field sobriety tests as requested. Deputy Brown was arrested and transported to Hollywood Station for booking and processing. Deputy Brown refused to provide Officers [redacted] and [redacted] a breath sample. Men's Central Jail Unit Commander, Captain Dan Dyer, responded to Hollywood Station and ordered Deputy Brown to provide a breath sample for administrative purposes. Los Angeles Police Officer [redacted] obtained the breathalyzer

sample form Deputy Brown. Deputy Brown's blood alcohol content on October 15, 2013, at 0428 hours was .104 and .105 (see Exhibit C, page 14).

Deputy Brown was charged with 23152 (a) California Vehicle Code, Driving a Vehicle While Under the Influence of Alcohol by the Los Angeles City Attorney's Office. The court proceedings took place at Los Angeles Metropolitan Court located at 1945 Hill Street in Los Angeles. Deputy Brown pled guilty to one count of 23109 (c) California Vehicle Code, Motor Vehicle Exhibition of Speed on a Highway. The 23152 (a) California Vehicle Code, Driving a Vehicle While Under the Influence of Alcohol charge was dismissed (see Exhibit D, Minute Order, Superior Court of California, County of Los Angeles).

The California Department of Motor Vehicles conducted an administrative review of Deputy Brown's driving privileges as a result of his failure to provide a breathalyzer sample during a driving under the influence investigation. Deputy Brown's California Driver License was suspended, effective April 4, 2014, until April 04, 2015. The suspension does not allow Deputy Brown to operate a motor vehicle during the course of his employment or while traveling to and from place of employment (see Exhibit E, Deputy Brown's California Driver License Record).

During the initial investigation it was alleged Deputy Brown was working in an off duty security capacity (see Miscellaneous Documents, Request for Internal Affairs Bureau Investigation, page 2). Deputy Brown's "Report of outside Employment Activities' form did not indicate any off duty employment (see Exhibit F, Employee Report on Outside Employment Activities dated March 13, 2013). Officer [redacted] statement indicated he had no knowledge of Deputy Brown working as an off duty security guard. However, Officer [redacted] statement indicated the owner of the vehicle Deputy Brown was driving said Deputy Brown has worked for him in the past but did not indicate if Deputy Brown was working for him on October 14 &15, 2013 (see Officer [redacted] transcribed interview, page 6 of 8).

Officer [redacted] statement indicated Deputy Brown said he was working as an off duty security guard at the time of the incident (see Officer [redacted] transcribed interview, page 4 of 5). Deputy Brown denied he was working in any off duty employment capacity when he was detained by Officers [redacted] and [redacted] (see Deputy Brown's transcribed interview, page 13 of 14).

Internal Affairs Bureau attempted to contact passengers of the vehicle Deputy Brown was driving but were unable to obtain witness statements from them due to their refusal to make contact with the Investigator. Officer [redacted] had an audio recording of the detention and arrest of Deputy Brown that was turned over to the Los Angeles City Attorney's Office. Internal Affairs Bureau requested a copy of the audio recording but the request was denied. The Los Angeles City Attorney's Office destroyed the audio recording after the case disposition was completed.

Los Angeles County Sheriff's Department Senior Criminalist [redacted] was interviewed as an expert witness regarding the administrative investigation. Mister [redacted] was provided some basic biographical information for Deputy Brown in order to calculate specific blood alcohol content and metabolism rates. Mister [redacted] reviewed

the information, signed and placed his employee numbers on the paper containing the information used for this investigation (see Exhibit G, printed biographical information of Deputy Brown). Please refer to Mister [redacted] statement for further details.

INTERVIEWS

The following interview summaries were based on statements provided by the witnesses and the subject during audio recorded interviews. For complete detailed statements, refer to the transcripts or digital audio recordings of the interview included in this investigation.

Witness Sergeant [redacted]

Sergeant [redacted] was interviewed on March 26, 2014 at 1603 hours by Internal Affairs Bureau Investigators David Wessol and John Adams. The interview was conducted at Men's Central Jail.

On October 14, 2013 at 1134 hours, Sergeant [redacted] received a phone call from Deputy Brown indicating he was calling in sick for his regular schedule shift on October 14, 2013, that was scheduled to begin at 1400 hours and conclude at 2200 hours. Sergeant [redacted] confirmed he did speak to Deputy Brown and advised him the sick call in would mark his fourteenth call in within the last twelve months and the call in was also in conjunction with his regular days off. Deputy Brown acknowledged Sergeant [redacted] advisement and said he was sick and would not be reporting for his scheduled PM shift.

Witness, Los Angeles Police Officer [redacted]

Los Angeles Police Department's Officer [redacted] was interviewed on February 18, 2014 at 1844 hours by Internal Affairs Bureau Investigators David Wessol and Joseph Fleischmann. The interview was conduct at Los Angeles Police Protective League Attorney Randal Quan's Office located at 420 South San Pedro Street Suite 102, Los Angeles California.

On October 15, 2013 at approximately 0210 hours, Officers [redacted] and [redacted] affected a traffic stop on a black 2005 Bentley on Hollywood Boulevard for excessive speed. The vehicle was driven by Deputy Brown. Upon contacting Deputy Brown, Officer [redacted] smelled the odor of alcohol on his breath. Deputy Brown identified himself as a "law enforcement individual" (see transcribed interview, page 2 of 8). Deputy Brown's identification as a member of law enforcement was courteous and professional. Deputy Brown did not indicate to Officer [redacted] he was carry a firearm nor was one found during the investigation.

During the investigation, Deputy Brown asked Officer [redacted] a "couple of times" why he was pulled over. Officer [redacted] believed the repeated questions from Deputy Brown was a result of his intoxication level and not an effort to displaying a bad attitude (see transcribed interview, pages 3 & 4 of 8).

Deputy Brown made some illogical statements to Officer [redacted] of which he could not really understand. Officer [redacted] said the statements were slurred and he could not make out the statements. During the investigation, Deputy Brown became

uncooperative by refusing to participate in a standardized field sobriety test (see transcribed interview, page 4 of 8). Officer [redacted] handcuffed Deputy Brown to avoid any further escalation and requested a Los Angeles Police Supervisor to respond.

Deputy Brown refused to participate in a standardize field sobriety test and made statements saying he wanted to speak to his Captain. After Deputy Brown was handcuffed he was cooperative and did not display any adverse attitude toward Officer [redacted] or his partner Officer [redacted] once he realized he was going to be arrested (see transcribed interview, page 6 of 8).

Deputy Brown was transported to Hollywood Station for booking and processing. During the booking process, Deputy Brown was cooperative but did refuse to provide a breath sample to Los Angeles Police. However, Deputy Brown did provide an administrative breath sample under the direct order of Captain Dan Dyer (see Exhibit C, page 14).

Witness, Los Angeles Police Officer [redacted]

A telephone interview of Office [redacted] was conducted on March 14, 2014 at 1105 hours by Internal Affairs Bureau Investigator, David Wessol. The telephone interviewed was audio recorded and transcribed.

Officer [redacted] assisted his partner, Officer [redacted] with a traffic stop of a Black Bentley driven by Deputy Brown. Deputy Brown identified himself as a Deputy Sheriff and was calm and cooperative but did have a little bit of a "cocky attitude." Deputy Brown did not want to "go along with the program" until a Los Angeles County Sheriff's Department supervisor was present (see transcribed interview page 1 & 2 of 5).

Deputy Brown eventually stepped out of the vehicle as requested and continually asked why he was pulled over. Deputy Brown was provided an answer each time he asked the question but did not remember the answer due to alcohol intoxication.

Deputy Brown was uncooperative by refusing to answer questions and participate in standardized field sobriety tests. Deputy Brown was handcuffed as a result of his uncooperative behavior and a Los Angeles Police Department Supervisor was requested to respond to the scene. Deputy Brown refused to take the sobriety tests unless a Los Angeles County Sheriff's Department supervisor was present (see transcribed interview page 3 of 5).

Deputy Brown told Officers [redacted] and [redacted] he was working as an off duty security guard at the time of contact by Los Angeles Police Department. The passenger in the detained vehicle also confirmed that information as well. The front passenger of the vehicle was described as a muscular male Black who told the Officers he was working as an off duty security guard (see transcribed interview page 4 of 5).

Deputy Brown was cooperative during the arrest and booking process but did refuse to take a breathalyzer test to determine his blood alcohol content. Captain Dan Dyer ordered Deputy Brown to provide a breath sample for administrative purposes that was administered by Los Angeles Police Department.

Witness Senior Criminalist [redacted]
Los Angeles County Sheriff's Department, Senior Criminalist, [redacted] was interviewed on March 18, 2014 at 1303 hours by Internal Affairs Bureau Investigator David Wessol. The interview was conducted at the Downey Crime Lab at Rancho Los Amigos, Blood Alcohol Content Unit's library.

Mister [redacted] has testified in court proceedings on numerous occasions and has been recognized as a court expert with regard to the subject of blood alcohol content and sample analysis (see transcribed interview page 3 of 5).

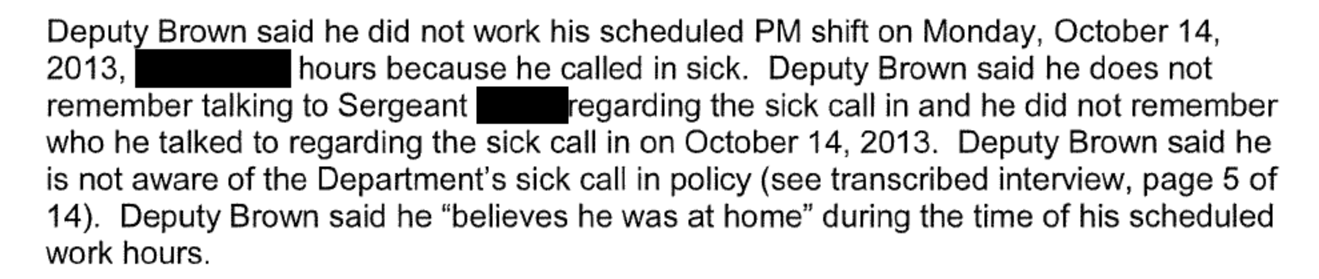
Mister [redacted] reviewed biographical information regarding Deputy Brown that was provided by Internal Affairs Bureau Investigator David Wessol (see Exhibit F). Mister [redacted] said if Deputy Brown had a blood alcohol content of .10 at 0428 hours, he would have had the equivalent of five standard alcoholic drinks in his system. A standard drink was defined by Mister [redacted] as a twelve ounce beer containing four percent alcohol, a four ounce glass of wine containing twelve percent alcohol or a one and one quarter ounce shot of distilled spirit containing forty percent alcohol (see transcribed interview, pages 3 & 4 of 5).

> Investigator's Note: During Deputy Brown's Internal Affairs Bureau interview, he claimed he consumed "a beer" at Hollywood "Tru" nightclub. Deputy Brown could not recall if he had any other alcoholic beverages that night but confirmed he had only one beer at the nightclub. Deputy Brown would not estimate the size of the beer he consumed. Please see Deputy Brown's transcribed interview, pages 10 & 11 of 14.

Mister [redacted] was asked what Deputy Brown's blood alcohol content could have been at 0210 hours (the time of the initial traffic stop) if he had his last drink at 0100 hours (the time Deputy Brown claims he drank his last drink; see Deputy Brown's transcribed interview, page 11 of 14). Under those circumstances, Deputy Brown's blood alcohol content could have been anywhere between .10 up to a .14 (see transcribed interview page 4 of 5).

Mister [redacted] was asked if it was possible for Deputy Brown to have a blood alcohol content of .10, three hours and twenty-eight minutes after consuming one beer. Criminalist [redacted] said it would be impossible for a male weighing 205 pounds to get to blood alcohol content of .10 after consuming only one beer (see transcribed interview, page 4 of 5).

Subject Deputy Lovell Brown
Deputy Brown was interviewed on March 13, 2014 at 1010 hours by Internal Affairs Bureau Investigators David Wessol and John Adams. The interview was conducted at Internal Affairs Bureau Offices, Interview Room C.


Deputy Brown said he did not work his scheduled PM shift on Monday, October 14, 2013, [redacted] hours because he called in sick. Deputy Brown said he does not remember talking to Sergeant [redacted] regarding the sick call in and he did not remember who he talked to regarding the sick call in on October 14, 2013. Deputy Brown said he is not aware of the Department's sick call in policy (see transcribed interview, page 5 of 14). Deputy Brown said he "believes he was at home" during the time of his scheduled work hours.

Deputy Brown indicated he was stopped by Los Angeles Police Department on October 15, 2013. He identified himself as a Deputy Sheriff to the contacting Officers because he was taught to do that in the academy "because, I may have a weapon on me and that's something he needs to know at that time, cause he's on duty, so…" (see transcribed interview, page 6 of 14). Deputy Brown said he did not have a firearm on him when he was contacted by the Officers and his duty weapon was home. Deputy Brown said there were no firearms in the vehicle he was driving.

Deputy Brown was asked if he refused to participate in a field sobriety test. He said, "I didn't refuse. I asked, could there be a supervisor present from my Department and I wasn't allowed that at the time and I did that based off the fact that I, I didn't feel comfortable with the Officer." See transcribed interview page 7 of 14.

When referring to the Officer, not identified by name, Deputy Brown said he did not like the way he came off. The Officer did not make him feel comfortable because Deputy Brown identified himself as a Police Officer and that fact was ignored. The Officer never asked Deputy Brown if he had any weapons in the vehicle and was more concerned about the driving under the influence investigation rather than really trying to figure out what was going on (see transcribed interview page 7 of 14). Deputy Brown did not give any indication as to what he meant by, "What was going on."

Deputy Brown requested a supervisor from the Department but was told that would not be afforded to him. The Los Angeles Police Officer just told him that he was going to cooperate or was going to jail. A Los Angeles Police Supervisor responded to the scene and told Deputy Brown the same thing the Officer told him (see transcribed interview, page 8 of 14).

Deputy Brown said he was asked to participate in a field sobriety test but he was handcuffed at the time. Deputy Brown was asked if he refused to participate in the field sobriety test. He said, "No, I was handcuffed at the time." Deputy Brown was asked if he did a field sobriety test. He said no, he did not feel comfortable at the time. Deputy Brown, again was asked if he refused to participate in a field sobriety test. He replied, "I didn't, I didn't necessarily refuse, 'cause I told him I'm not refusing, I just said, can you get someone from my Department. And he took it as a refusal." Deputy Brown acknowledged he did not perform a field sobriety test but would not answer the question

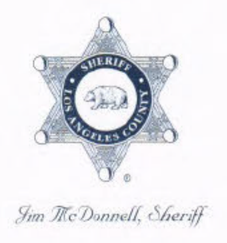
as to whether or not he refused. Deputy Brown said he continually asked if a Department supervisor could be present (see transcribed interview, pages 9 & 10 of 14).

On the night of October 14, 2013 leading into the early morning hours of October 15, 2013, Deputy Brown said he had one beer at the night club Hollywood Tru. When Deputy Brown was asked if he drank any alcohol at another location, he said "Not to my knowledge, I don't recall." When Deputy Brown was asked what size the beer he consumed was, he said he would rather not estimate. Deputy Brown said he drank his last beer at 0100 hours (see transcribed interview, page 11 of 14).

> Investigator's Note: During Deputy Brown's interview, he was asked if he had just one beer at the location (see transcribed interview page 11 of 14, line 7). Deputy Brown replied, "Yes Sir" (see transcribed interview, page 11 of 14, line 8). When Deputy Brown was asked about the time he consumed his beer, he replied, "I don't really recall the last drink I had but it had to be toward the end, maybe, let me see, 1:00 maybe, 1:00 AM." Deputy Brown again confirmed he had one beer at Hollywood Tru (see transcribed interview page 11 of 14, line 16, 17, 18 & 19).

Deputy Brown said he did not recall if he drove the vehicle to Hollywood Tru (see transcribed interview, page 12 of 14) but also indicated he did not feel impaired at all as a result of the alcohol he drank that night (see transcribed interview, page 14 of 14). Deputy Brown indicated his knowledge of the legal blood alcohol limit for driving a vehicle while impaired was .18 (see transcribed interview, page 13 of 14).

Deputy Brown said he was not working in an off duty security capacity on the night of October 14, 2013 leading into October 15, 2013. Deputy Brown also said he was not working in an off duty capacity in any way nor has he worked any outside employment since March 13, 2013 (see transcribed interview, page 13 of 14).



Jim McDonnell, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



February 26, 2015

Deputy Lovell Brown, [redacted]

Dear Deputy Brown:

On December 22, 2014, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2343020. You were also advised of your right to review the material on which the discipline was based.

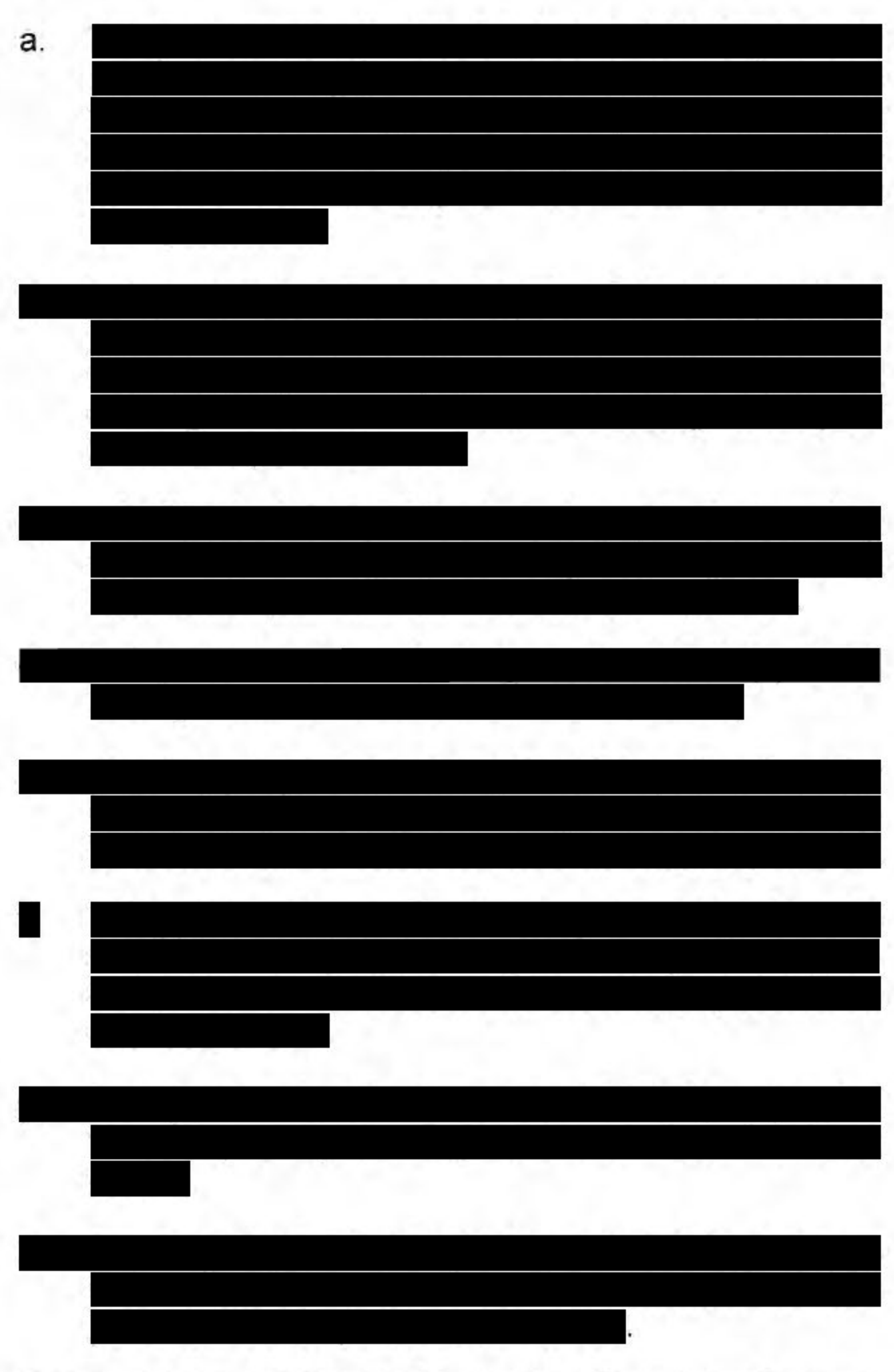
You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, Department executives determined that the recommended discipline is appropriate.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of thirty (30) days effective March 9, 2015 through April 7, 2015.

An investigation under File Number IAB 2343020, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. [redacted]





a. [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted] [redacted]

[redacted]

[redacted].

2. That in violation of Manual of Policy and Procedures Sections 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about March 13, 2014, you failed to make full, complete and/or truthful statements regarding the amount of alcohol you consumed prior to being arrested by personnel from the Los Angeles Police Department on October 15, 2014, and/or your employment status as a security agent when you were

operating [redacted] vehicle of on October 15, 2013, as evidenced by, but limited to:

a. stating, "from my knowledge, I had one beer," when asked how much alcoholic beverage did you drink on October 14, 2014 or leading into October 15, 2014; and/or,

b. stating, "No," when asked if you were working an off duty job when you were stopped by personnel from the Los Angeles Police Department; and/or,

c. stating "No, sir," when asked if you worked in an off duty capacity in the past year, from March 13, 2013.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference."

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of the incident has been made by the Department's Equity Oversight Panel, Department executives, and your Unit and Division Commanders.
You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

Within fifteen (15) business days from the date of service of this notice of suspension, you may request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Original Signed

Joseph E. Dempsey, Captain
Men's Central Jail

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules {when applicable}.

JED:DLM:ym

c: Advocacy Unit
Eric G. Parra, Chief, Custody Services Division-General Population
Internal Affairs Bureau
Personnel Administration
Men's Central Jail/Unit Personnel File